

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JAMES E. MATHEWS,

Petitioner,

v.

3:11-cv-585

BRUCE WESTBROOKS, Warden,

Respondent.

**MEMORANDUM AND ORDER**

This is a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter is before the court on petitioner's motion to amend the habeas petition and respondent's motion for additional time within which to respond to the petition.

Although petitioner's motion to amend is somewhat confusing, it appears that he seeks to challenge a criminal charge that is still pending in the state courts. This court cannot consider a habeas claim that has not been exhausted in the state courts. For that reason, petitioner's motion to amend [Court File No. 20] is **DENIED**.

Respondent's motion for an extension of time [Court File No. 21] is **GRANTED**. Respondent shall have up to and including January 20, 2013, in which to file an answer or other response to the petition for the writ of habeas corpus.

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge